

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

WILLIAM J. EDELMAN (CABN 285177)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-mail: william.edelman@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

STEPHEN PEELER,

Defendant.

NO. CR 16-105 VC

STIPULATIONS AND WAIVERS FOR BENCH TRIAL

The parties hereby submit the following joint waivers and stipulations for a bench trial, as well as joint proposed findings of fact and conclusions of law and a joint proposed scheduling order filed concurrently herewith.

I. WAIVER OF RIGHTS

Defendant Peeler waives his right to testify and to call any witnesses on his own behalf, and he submits the matter for decision by the Court based on the factual stipulations below.

1 **II. FACTUAL STIPULATIONS**

2 If called to testify at trial each of the witnesses named below would testify as follows:

3 Court Security Officer Martin Sacco: On February 29, 2016, at approximately 11:10 a.m., Court
4 Security Officer (CSO) Martin Sacco was on duty wearing a CSO uniform and working near the public
5 entrance to the building at 450 Golden Gate Avenue in San Francisco California when Defendant
6 approached him and asked where the FBI was located. CSO Sacco told Defendant it was on the 13th
7 Floor. Defendant left CSO Sacco's sight and CSO Sacco had no further interactions with him.

8 Court Security Officer Eugene Cunningham: On February 29, 2016, at about 11:11 a.m., CSO
9 Eugene Cunningham was on duty wearing a CSO uniform, which included a dark blue blazer with a
10 badge on the outer left breast pocket, a white shirt, and grey pants. As an on-duty CSO, Mr.
11 Cunningham had status as a Special Deputy U.S. Marshal pursuant to a special deputation issued by the
12 Chief of the U.S. Marshals Service in the Northern District of California. CSO Cunningham was
13 working the employee screening lane at the Golden Gate entrance to the federal building at 450 Golden
14 Gate Avenue in San Francisco. His job was to verify the official identification of people entering the
15 building through the employee lane.

16 While CSO Cunningham was standing at his post, Defendant Stephen Peeler walked up to him
17 and—without any provocation or warning—punched CSO Cunningham on the left side of his face using
18 a closed fist. CSO Cunningham did not know Defendant and had never interacted with him before
19 Defendant punched him. Defendant stood in place after punching CSO Cunningham, and did not say
20 anything or make additional aggressive movements. CSO Cunningham was momentarily dazed, but did
21 not fall down. CSO Cunningham recovered, took Mr. Peeler to the ground, and placed him under arrest
22 with the assistance of other nearby CSOs.

23 CSO Cunningham suffered pain to the left side of his face as well as redness and some minor
24 swelling as a result of the punch. He was treated on scene and released with an ice pack, though he was
25 unable to resume his duties that day as a result of the injury and went home early.

26 Federal Protective Service Inspector Roger Estrada: On February 29, 2016, at about 11:15 a.m.,
27 Inspector Roger Estrada was working as a uniformed federal law enforcement officer for the Federal
28 Protective Service when he was dispatched to investigate a fight at the Golden Gate entrance to the

1 federal building at 450 Golden Gate Avenue. When he arrived, he saw Defendant in handcuffs
2 surrounded by CSOs. Inspector Estrada spoke to CSO Cunningham in addition to other CSOs who were
3 working near CSO Cunningham when Defendant punched him. No other CSOs witnessed the punch—
4 they only became involved after seeing a commotion and rushing over to help.

5 Inspector Estrada reviewed surveillance video footage of the incident. Because of the
6 positioning and resolution of the cameras, the videos did not capture much detail about the incident.
7 What was visible on the videos was consistent with CSO Cunningham's statement; he was standing
8 working his post when a man approached and punched him. There was no audio associated with the
9 videos.

10 Inspector Estrada then interviewed Defendant, who agreed to make a statement. Defendant
11 stated that he came to the federal building because he wanted to speak to an FBI agent regarding
12 Defendant's concerns about terrorism. He stood in a long line and eventually asked a CSO how long the
13 line would take. The CSO advised Defendant that he needed valid identification to enter the building.
14 This upset him and he walked out of the building. He did not want to hit anyone, but he determined that
15 doing so was the best course of action to get inside and speak with an FBI representative. He did not
16 want to assault a female or elderly guard, so he selected CSO Cunningham because Cunningham looked
17 like he could "take a hit." He approached Cunningham and punched him as hard as he could on the jaw.
18 He did not want to hurt Cunningham and selected the jaw rather than the cheek because Cunningham
19 "appeared to have a strong jaw." He was sorry for the incident and hoped that Cunningham recovered
20 quickly.

21 Dr. John Shields: Dr. John Shields is an expert in forensic psychology with the qualifications set
22 forth in Exhibit A to this filing. He was hired by Defendant to conduct a psychological examination of
23 Defendant in connection with this case, including on the issue of whether Defendant was insane at the
24 time he assaulted CSO Cunningham. Dr. Shields' conclusions, and the bases and reasoning supporting
25 those conclusions, are set forth in Exhibit B to this filing. In Dr. Shields' expert opinion, at the time of
26 the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease,
27 was unable to appreciate the wrongfulness of his acts.

1 Dr. Anna Glezer: Dr. Anna Glezer is an expert in forensic psychiatry with the qualifications set
 2 forth in Exhibit C to this filing. The government retained her to conduct a psychiatric examination of
 3 Defendant in connection with this case on the issue of whether Defendant was insane at the time he
 4 assaulted CSO Cunningham. Dr. Glezer's conclusions, and the bases and reasoning supporting those
 5 conclusions, are set forth in Exhibit D to this filing. In Dr. Glezer's expert opinion, at the time of the
 6 commission of the acts constituting the offense, the defendant, as a result of a severe mental disease, was
 7 unable to appreciate the wrongfulness of his acts.

8 IT IS SO STIPULATED.

9 BRIAN J. STRETCH
 10 United States Attorney

11 Dated: October 7, 2016

12 /s/ William J. Edelman
 13 WILLIAM EDELMAN
 14 Assistant United States Attorney

15 Dated: 10-25-16

16 
 17 STEPHEN PEELER
 18 Defendant

19 Dated: October 7, 2016

20 /s/ George C. Harris
 21 GEORGE C. HARRIS
 22 Attorney for Mr. Peeler
 23
 24
 25
 26
 27
 28